

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 3:08-CR-156-PLR
)	
DAVID LANDSMAN)	

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 202]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 205]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on September 15, 2016.

The defendant was convicted of conspiracy to distribute and possess with intent to distribute at least 1,000 kilograms of marijuana, in violation of 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A); and of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h). At sentencing, defendant's base offense level was 31, with a criminal history category III, resulting in an advisory guideline range of 135 - 168 months, with a 120-month mandatory minimum. Before sentencing, the United States filed a motion for downward departure in light of defendant's substantial assistance; the

court granted that motion and sentenced defendant to 81 months imprisonment, 40 percent below the guidelines range, on June 27, 2012.

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 29, with a criminal history category III, resulting in an amended guideline range of 108 - 138 months. Giving defendant a comparable adjustment (40% reduction), and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motion [R. 202] is GRANTED, and the defendant's sentence is **reduced to 65 months**.

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated June 27, 2012, shall remain in effect. **The effective date of this order is November 2, 2015.** *See* USSG § 1B1.10(e)(1).

IT IS SO ORDERED.

Enter:


UNITED STATES DISTRICT JUDGE